



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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DEPARTMENT OF TRANSPORTATION  
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DOCKET SECTION

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September 30, 1998

U. S. Department of Transportation Dockets  
400 Seventh Street, SW  
Room Plaza 401  
Washington, DC 20590

Attention: Rules Docket No. FAA-98-4390; Notice No. 98-12

Gentlemen:

The Aircraft Owners and Pilots Association (AOPA), representing the aviation interests of more than 340,000 pilots and aircraft owners, submits the following comments in support of the proposed rulemaking entitled "Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules," Notice No. 98-12, published in the Federal Register on September 2, 1998, at 63 Fed. Reg. 46834 (hereinafter the NPRM).

AOPA maintains that promulgation of the proposed rule will enhance rotorcraft safety. Instrument Flight Rules (IFR) certified and equipped helicopters are often flown in marginal Visual Flight Rules (VFR) weather by instrument rated pilots. We believe that both industry and the Federal Aviation Administration (FAA) would prefer to make the benefits of IFR operations more readily available. This Notice of Proposed Rule Making (NPRM) is the result of nearly six years of effort by a joint industry and FAA working group chartered in the FAA's Aviation Rulemaking Advisory Committee (ARAC). The proposed rule would enhance the safety of helicopter operations beyond that of VFR in marginal weather by facilitating entry of helicopters into the IFR system.

AOPA agrees with the FAA that "Qualitative benefits from the proposed rule would come from reducing the level of aircraft noise experienced by individuals on the ground and from cost savings associated with reducing transportation time... The quantitative benefits come from a potential reduction in accidents by enabling more helicopter pilots to operate under IFR in marginal weather conditions." NPRM at 46840.

AOPA also supports the economic analysis of the NPRM which concludes "The NPRM would not place any additional requirements on the aviation industry. Therefore, there are no compliance costs associated with the proposed rule." NPRM at 46839-40.

“Based largely on ARAC’s recommendations, the FAA proposes to amend the general operating rules pertaining to flight plan requirements for flight by helicopters under IFR by revising the: **(1)** alternate airport weather planning requirements; **(2)** weather minima necessary to designate an airport as an alternate on an IFR flight plan; and **(3)** fuel requirements for helicopter flight into IFR conditions.” The FAA has indicated that they agree with most of ARAC’s recommendations with the exception of eliminating the requirement under Sec. **91.167** (b)(2) and 9 1.169 (b) that weather report and forecast data be in effect for one hour after the estimated time of arrival.

Under the discussion of the proposed rule, the FAA further states “that this extra margin of safety is necessary, but specifically requests public comment on whether this requirement would be reasonable.” NPRM at 46838. AOPA is not aware of any industry comment in response to this request, but believes that the requirement is reasonable for weather report and forecast data be in effect for 1 hour after the estimated time of arrival.

The FAA asks the public to indicate “whether the amendments set forth in this NPRM are in clear language, and whether the tabular or narrative format in Sec. 9 1.167 (b) and 9 1.169 (b) and (c) is preferable. Although the tabular format is preferred, AOPA believes that either format would be clear and supports incorporation of either version in the Final Rule.

The tables incorporated in the tabular version of proposed revisions to Secs. 91.167 (a) and 91.169 (b) correctly use the phrase, “weather reports and/or prevailing weather forecast,” but both the Narrative Format and the text elements of the Partially Tabular Format incorrectly utilize the phrase, “weather reports and forecasts and weather conditions.”

AOPA suggests the FAA correct the quoted portions of proposed Sec. 91.167 (a) and 91.169 (b) to consistently include the phrase “weather reports and/or prevailing weather forecast”, deleting the phrase “weather reports and forecasts and weather conditions.”

The FAA has stated in the background information of the NPRM, “a helicopter may operate under VFR in weather conditions that would otherwise preclude the operator from filing an IFR flight plan under Sec. 91.169 because the alternate weather minima criteria cannot be met. Often, IFR-equipped and certified helicopters are safely flown by IFR rated pilots under VFR in weather that might be characterized as marginal VFR.. . Therefore, the FAA is proposing to revise the weather minima for the designation of alternate airports to allow helicopter operators to take advantage of the IFR system.”

In the proposed rule for Sec. 91.169 (c) as currently phrased, if the FAA intended to allow helicopter pilots to use lower alternate airport minima under appropriate circumstances, then aeronautical charts and approach plates will have to be amended to depict lower helicopter

alternate airport flight planning minima, where authorized. Therefore, AOPA would suggest the FAA consider substituting the following for Sec. 61.169 (c) as currently proposed in the NPRM.

(c) *IFR alternate airport weather minima.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at the airport will be at or above the following alternate weather minima:

(1) *For airplanes –*

(i) If an instrument approach procedure has been published in Part 97 of this chapter for that airport, the alternate airport minima specified in that procedure, or

(ii) If an instrument approach procedure has been published in Part 97 of this chapter for that airport, but that procedure contains no alternate airport weather minima, the following apply:

(A) *A precision approach procedure.* The ceiling will be 600 feet and the visibility will be 2 statute miles.

(B) *A nonprecision approach procedure.* The ceiling will be 800 feet and the visibility will be 2 statute miles.

(2) *For helicopters –*

(i) If an instrument approach procedure has been published in Part 97 of this chapter for that airport the following apply:

(A) *A precision approach procedure.* The ceiling will be 400 feet and the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown.

(B) *A nonprecision approach procedure.* The ceiling will be 600 feet and the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown.

(3) If no instrument approach procedure has been published in Part 97 of this chapter for the alternate airport, the ceiling and visibility minima are those allowing descent from the MEA, approach, and landing under basic VFR.

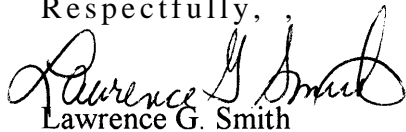
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If the Partially Tabular Format of the proposed NPRM is adopted in the final rule, it is AOPA's recommendation that both narrative and tabular elements be revised to reflect the above phrasing.

The only substantive concern with this NPRM is with the FAA's proposal to remove Special Federal Aviation Regulation (SFAR) No. 29-4, "Limited IFR Operations of Rotorcraft." AOPA's primary concern is not having sufficient time to consider the ramifications of this proposal within the comment period for this NPRM. However, we are more interested in the safety benefits associated with the majority of the NPRM, and have no desire to extend the comment period to allow for a more thorough consideration of the proposal to remove SFAR 29-4. Therefore, AOPA would request the FAA postpone removal of SFAR 29-4 for a reasonable time period to allow the industry to consider this matter fully and provide meaningful comments.

We thank the FAA for the opportunity to comment on this proposal, and we urge the FAA to promulgate the proposed rule as expeditiously as possible.

Respectfully,

A handwritten signature in black ink, appearing to read "Lawrence G. Smith". The signature is fluid and cursive, with the first name "Lawrence" being the most prominent part.

Lawrence G. Smith

Senior Director

Government and Technical Affairs